

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

June 22, 2010

DIVISION ONE

Court convened at 9:00 a.m.

Present: Mallano, P.J., Rothschild, J., Chaney, J., Johnson, J. and S. Stahl, Deputy Clerk.

Each of the following:

B205374 People v. Flint
B211010 People v. McKenzie
B211534 People v. Miguel C.
B213327 People v. Avila
B213413 People v. Rodriguez
B213893 People v. Lamar
B214406 People v. Diaz
B214872 People v. Gutierrez
B215554 People v. Smith
B215810 People v. Zumaya
B216736 People v. Edwards
B216759 People v. Price
B217671 People v. Nanez
B218063 People v. Martinez
B218123 People v. McCandless
B218425 In re Johnnie Portis on Habeas Corpus.
B218546 DCFS v. A. C., et al.
B220702 DCFS v. G. J. & A. B.
B220838 DCFS v. T. P.
B221143 DCFS v. Consuelo J.
B223521 D. D. v. SCLA (DCFS)
B223704 R. M. v. SCLA (DCFS)

Argument waived, cause submitted.

DIVISION ONE (continued)

B213483 People
 v.
 Coleman and Moseley

Merits:
Argued by Johanna R. Pirko for appellant Coleman. Respondent and appellant Moseley previously waived oral argument. Cause submitted.

Rothschild, J. leaves the bench.

B215904 R.F.F. Family Partnership, LP
 v.
 Seven Arts Pictures, Inc.

Merits:
Argued by Gregory A. Fayer for appellant and by Dayton Parcels, III for respondent. Cause submitted.

Rothschild, J. returns to the bench.

Mallano, P.J. leaves the bench.

B218643 Los Angeles County, D.C.F.S.
 v.
 W.N.

Merits:
Argued by Jennifer Mack for appellant and by William D. Thetford, Deputy County Counsel, for respondent. Cause submitted.

Mallano, P.J. returns to the bench.

DIVISION ONE (continued)

B205024 People
 v.
 Valenzuela

Merits:
Argued by Dan Mrotek for appellant and by Jonathan Kline, Deputy Attorney General, for respondent. Cause submitted.

B214828 People
 v.
 Gabriel

Merits:
Argued by Angela Silvestri for appellant and by Adam Radinsky, Deputy City Attorney, for respondent. Cause submitted.

Court recessed.

Court reconvened at 10:53 a.m.

Present: Mallano, P.J., Rothschild, J., Chaney, J., Johnson, J. and S. Stahl, Deputy Clerk.

B214661 Shahinian
 v.
 Lafollette Johnson Dehaas Fesler & Ames, et al.

Merits:
Argued by Herb Fox for appellant and by Stephen M. Caine for respondents. Cause submitted.

B217535 Wilson
 v.
 Bomani

Merits:
Argued by Stephanie Wilson respondent in propria persona and no appearance by appellant. Cause submitted.

June 22, 2010 (Continued)

DIVISION ONE (continued)

B218089 Physicians Committee for Responsible Medicine
v.
McDonald's Corporation, et al.

Merits:
Argued by Daniel Kinburn for appellant and by Forest Hainline and
Trenton Norris for respondents. Cause submitted.

Johnson, J. leaves the bench.

B215175 Goodrich Corporation, et al.
v.
State Water Resources Control Board, et al.

Merits:
Argued by James Meeder for appellants Emhart, et al., and by Carol Squire, Deputy Attorney General, for respondent. No appearance by Jeffrey Dintzer for appellant Goodrich Corp. and no appearance by Brian L. Zagon for Pryro Spectaculars, Inc. Cause submitted.

Court adjourned.

DIVISION TWO

B223738 People (Not for Publication)
v.
Boulware

The Court:

The order of March 11, 2010, is affirmed.

Doi Todd, Acting P.J., Ashmann-Gerst, J., Chavez, J.

June 22, 2010 (Continued)

DIVISION TWO (continued)

B215291 Tin (Not for Publication)

V.

Bank of America, National Association, et al.

The summary judgment is affirmed. Respondent(s) to recover costs.

Doi Todd, Acting P.J.

We concur: Ashmann-Gerst, J.

Chavez, J.

B219067 Levine (Not for Publication)

V.

Quevedo

The domestic violence restraining order filed July 14, 2009 is affirmed. Costs are not awarded to Levine as the prevailing party because she did not participate in the appeal.

Doi Todd, J.

We concur: Boren, P.J.

Chavez, J.

B213776 Kolodaro (Not for Publication)

V.

Maghen, et al.

The judgment is affirmed. Respondent(s) to recover costs.

Doi Todd, Acting P.J.

We concur: Ashmann-Gerst, J.

Chavez, J.

June 22, 2010 (Continued)

DIVISION TWO (continued)

B212364 Wilson (Not for Publication)
v.
Son et al.

The judgment is affirmed.

Boren, P.J.

We concur: Ashmann-Gerst, J.
Chavez, J.

B215829 People (Not for Publication)
v.
Henley

The true finding on the gang enhancement is reversed, the gang enhancement stricken, and the judgment is otherwise affirmed. On remand, the trial court is directed to correct the abstract of judgment accordingly.

Ashmann-Gerst, J.

We concur: Boren, P.J.
 Doi Todd, J.

DIVISION THREE

B216782 People (Not for Publication)
v.
Chase Bramlage

The judgment is affirmed.

Klein, P.J.

We concur: Croskey, J.
 Kitching, J.

DIVISION THREE (continued)

B216078 People (Not for Publication)
v.
Juan Manuel Gonzalez

The judgment is affirmed.

Klein, P.J.

We concur: Croskey, J.
 Kitching, J.

[illegible]

The order continuing wardship is affirmed.

Kitching, J.

We concur: Croskey, Acting P.J.
 Aldrich, J.

B218333 People (Not for Publication)
v.
Jessica T.

The order of wardship is affirmed.

Klein, P.J.

We concur: Croskey, J.
 Kitching, J.

DIVISION THREE (continued)

B219383 Los Angeles County, D.C.F.S. (Not for Publication)
v.
Angelina F.

The order is affirmed

Klein, P.J.

We concur: Croskey, J.
 Aldrich, J.

B211251 Ghaffarpour, et al. (Not for Publication)
v.
Commerce Plaza Hotel, et al.

The judgment is reversed. The trial court is directed to vacate its order denying plaintiffs' motion to amend the clerk's record and motion for reconsideration, and hold further proceedings consistent with the this court's directive for reconsideration of the motion to amend the clerk's record. The parties will bear their own respective costs on appeal.

Croskey, J.

We concur: Klein, P.J.
 Kitching, J.

B223298 E.S. (Not for Publication)
v.
Superior Court, Los Angeles County
(Los Angeles County Department of Children and Family Services, r.p.i.)

The order setting the section 366.26 hearing is reversed and the cause is remanded for further proceedings consistent with the views expressed herein.

Croskey, J.

We concur: Klein, P.J.
 Aldrich, J.

DIVISION SIX

B217465 People (Not for Publication)

v.

Kurt Anthony Hasten

The judgment is affirmed.

Yegan, Acting P.J.

We concur: Coffee, J.

Perren, J.

B220396 Martin Strand, Gabriel Strand (Not for Publication)

v.

Jeffrey Clark, Jodene Clark

The order after judgment awarding attorney's fees and costs to the Clarks is reversed. The Strands shall recover their costs on appeal.

Yegan, Acting P.J.

We concur: Coffee, J.

Perren, J.

B214086 People (Certified for Publication)

v.

Jason Robert Ogle

The judgment is affirmed.

Coffee, J.

We concur: Gilbert, P.J.

Perren, J.

June 22, 2010 (Continued)

DIVISION SIX (continued)

B222206 People (Not for Publication)

V.

Caleb Dean Debinion

The judgment is affirmed.

Gilbert, P.J.

We concur: Yegan, J.

Perren, J.

B217490 People (Not for Publication)

V.

Espinoza

The judgment is affirmed.

Coffee, J.

We concur: Gilbert, P.J.

Perren, J.

B220658 People (Not for Publication)

V.

Mosqueda

The judgment of conviction is affirmed and the matter is remanded to the superior court with directions to correct the November 19, 2009 minute order to accurately reflect the probation terms and conditions orally pronounced at the November 19, 2009 sentencing hearing.

Yegan, J.

We concur: Gilbert, P.J.

Coffee, J.

DIVISION SIX (continued)

B217157 Sudman (Not for Publication)
v.
Young

The judgment is affirmed. Respondent shall recover costs on appeal.

Perren, J.

We concur: Yegan, Acting P.J.
Coffee, J.

[illegible]

That portion of the judgment staying imposition of punishment for two of the enhancements under section 667.5, subdivision (b), is reversed. The trial court is directed to hold a new sentencing hearing and either impose the enhancements or strike them in accordance with the dictates of section 1385. In all other respects, the judgment is affirmed.

Perren, J.

We concur: Yegan, Acting P.J.
Coffee, J.

B218861 Strand (Not for Publication)
v.
Clark

The judgment is reversed. The Strands shall recover their costs on appeal.

Yegan, Acting P.J.

We concur: Coffee, J.
Perren, J.

DIVISION SIX (continued)

B209161 Sjoquist, et al. (Not for Publication)
 v.
 Nebroski, et al.

The judgment is affirmed. Respondents shall be entitled to recover thier costs and attorneys fees on appeal.

Yegan, Acting P.J.

We concur: Coffee, J.
 Perren, J.

B213271 People (Not for Publication)
 v.
 Delgado

The judgment is affirmed and remanded to the superior court. On remand, the court is directed to correct the abstract of judgment to include the full 292 days of presentence credits that it has awarded appellant, to certify a copy of the amended abstract of judgment, and forward it to the Department of Corrections and Rehabilitation.

Coffee, J.

We concur: Gilbert, P.J.
 Perren, J.

DIVISION EIGHT

B218446 People (Not for Publication)
v.
Edson E. Lopez

The judgment is affirmed. The trial court is directed to prepare a modified abstract of judgment that correctly indicates the disposition of the action by way of jury verdict and not by plea, and to transmit a certified copy of the modified abstract to the Department of Corrections and Rehabilitation.

Grimes, J.

We concur: Rubin, Acting P.J.
Flier, J.

B213601 Judith Thompson (Not for Publication)
v.
City of Los Angeles

The judgment is affirmed. Respondent Department of Water and Power to its costs on appeal.

Rubin, J.

We concur: Bigelow, P.J.
Flier, J.

B213104 Jamshid Aryeh (Certified for Publication)
v.
Canon Business Solutions, Inc.

The judgment is affirmed. Respondent(s) to recover costs.

Flier, J.

I concur: Lichtman, J., J. (Assigned)
I dissent: Rubin, Acting P.J. (Opinion)

June 22, 2010 (Continued)

DIVISION EIGHT (continued)

B204150 Dieter Trattmann (Not for Publication)

v.

Garrison Key

Garrison Key, Inc. DBA Key Properties

The judgment is modified by striking the \$109,389.99 in expert witness fees awarded to Trattmann. The judgment is reversed in part and the matter is remanded for the limited purpose of a trial on the issue of the amount, if any, of punitive damages. In all other respects, the judgment is affirmed. Trattmann shall recover his costs on appeal.

Rubin, J.

We concur: Bigelow, P.J.

Lichtman, J., J. (Assigned)